

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kimberly Pellett, et al.,

Civil No. 10-3943 (DSD/FLN)

Plaintiffs,

v.

ORDER

TCF Bank, N.A., et al.,

Defendants.

Marshall H. Tanick, Richard J. Fuller & Jeffrey Kalil for Plaintiffs.
Timothy D. Kelly, Sarah E. Bushnell & Mark J. Levin for Defendants.

THIS MATTER came before the undersigned United States Magistrate Judge on October 18, 2010 on Defendants' Motion to Compel Individual Arbitration and Stay Litigation (ECF No. 2) and Plaintiffs' Motion for Stay of Proceedings Pending Transfer Decision by the Judicial Panel on Multidistrict Litigation (ECF No. 11).

Based upon all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Stay of Proceedings Pending Transfer Decision by the Judicial Panel on Multidistrict Litigation (ECF No. 11) is **GRANTED**.

Based upon the foregoing, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' Motion to Compel Individual Arbitration and Stay Litigation (ECF No. 2) is expressly **TAKEN UNDER ADVISEMENT** pending a decision by the Judicial Panel on Multidistrict Litigation ("MDL") as to whether to transfer the instant action to MDL No. 2036, assigned to the Honorable James Lawrence King of the Southern District of Florida. *See In Re Checking Account Overdraft Litigation*, 626 F. Supp. 2d 1333 (J.P.M.L. 2009); MDL No. 2036,

Conditional Transfer Order, Oct. 15, 2010, ECF No. 345.

DATED: October 20, 2010

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge